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6	Gonzales		
7	IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN MARIANA ISLANDS		
8			
9	JOSEPH DLR GONZALES,) CIVIL CASE NO. 07-0026	
10	Plaintiff,		
11	vs.)	
12	ROBERT MARC WEINBERG,) FIRST AMENDED COMPLAINT) AND DEMAND FOR JURY TRIAL	
13	Defendent)	
14	Defendant.)	
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17 18	COMES NOW Joseph DLR Gonzales, by and through counsel, and for his Complaint		
19	states and alleges as follows:		
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21	Hibiobion	ION AND PARTIES	
22	JURISDICI	ION AND PARTIES	
23	This Court has diversity juris	diction under 28 U.S.C. Section 1332 as this matter	
24	involves citizens of different states and the matter at issue is more than \$75,000.00 The Cou		
25	also has supplemental jurisdiction pursuant to 28 U.S.C. § 1367.		
26	and the supplemental jurisdiction pursuant t	20 0.13.0. 3 1007.	
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- Plaintiff Joseph DLR Gonzales ("Mr. Gonzales") is a citizen of the United States
 of America and the Commonwealth of the Northern Mariana Islands, currently residing in the
 CNMI.
- 3. Defendant Robert Marc Weinberg ("Mr. Weinberg"), is an individual and on information and belief, is and at all times herein mentioned, a citizen of the United States of America and the State of Florida, currently residing in Florida.

FACTS

- At all times herein mentioned, Mr. Gonzales was the driver of a 1996 Toyota
 Corolla, license plate number ABW 431.
- 5. At all times herein mentioned, Mr. Weinberg was and is the registered owner and driver of a 2000 Hyundai Santa Fe, license plate number ABZ 029.
- 6. On or about May 30, 2007, Mr. Gonzales was traveling along Isa Dr. by Ahgaga Dr. in Papago, Saipan heading north. Then suddenly and without warning, the car driven by Mr. Weinberg suddenly appeared on top of the hill and encroached on Mr. Gonzales' lane hitting Mr. Gonzales' car. Mr. Weinberg was heading south.
- 7. On information and belief, Defendant Weinberg lost control of his car because he was lighting a cigarette.

- 8. The force of the impact caused the car Mr. Gonzales was driving to spin around and face south and resulted in the car being severely damaged. An ambulance was called and Mr. Gonzales was taken to the Commonwealth Health Center where he was treated.
- 9. Mr. Weinberg, with deliberate disregard and reckless indifference to the safety of others, recklessly, grossly, negligently and carelessly operated his car and failed to keep a proper look out for other users of the road including Mr. Gonzales, all in violation of the CNMI's vehicular laws, so that his vehicle collided with Mr. Gonzales' vehicle, proximately causing the Mr. Gonzales' injuries and damages complained of herein (the "accident").
- 10. At all times herein mentioned, Mr. Gonzales exercised all due care and caution for his safety and the safety of others.

CAUSES OF ACTION FIRST CLAIM FOR RELIEF: NEGLIGENCE

- 11. Plaintiffs re-allege and incorporate herein in paragraphs 1 through 10.
- 12. As a proximate result of the deliberate disregard of and reckless indifference to the safety of others and gross negligence of Mr. Weinberg and his failure to comply with the CNMI traffic rules, including failing to keep a proper look-out, Mr. Gonzales suffered physical injuries requiring the services of physicians, nurses, and other medical and rehabilitative personnel, all to his damage in an amount to be proven at trial. At the time of the filing of this Complaint, Mr. Gonzales continues to suffer from pain as a result of the accident, and his damages continue to accrue in amounts to be proven at trial.

1	13. As a further proximate result of the recklessness and gross negligence of Mr.	
2	Weinberg, Mr. Gonzales has suffered property damages in amounts which continue to accrue	
3	and which will be proven at trial. Mr. Gonzales also suffered property damages, lost wages,	
4	future earnings and earning capacity in an amount which will be proven at trial.	
5		
6	14. As a further and proximate result of the recklessness and negligence of Mr.	
7	Weinberg, Mr. Gonzales suffered and continues to suffer severe and permanent physical and	
8	mental pain and anguish, all to his damage in an amount to be proven at trial.	
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10	PRAYER FOR RELIEF	
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12	WHEREFORE, Plaintiff prays for relief as follows:	
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14	a. For general and special damages in an amount to be proven at trial;	
15	b. For an award of punitive damages;	
16	c. For pre-judgment and post-judgment interest as allowed by law;	
17	d. For costs of suit herein; and	
18	e. For such other and equitable relief as this Court deems just and proper.	
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20	DEMAND FOR JURY TRIAL	
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22	Plaintiffs hereby demand a jury trial with respect to all issues so triable.	
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24	Date: August 16, 2007. O'CONNOR BERMAN DOTTS & BANES Attorneys for Plaintiff Joseph DLR Gonzales	
25		
26	By:	
27	DAVID G. BANES (F0171) K:\David Banes\3408-01 Joseph DLR Gonzales\3408-01-070815-AmendedComplaint.DistrictCrtMV.doc	
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